

Order

Entered:

September 30, 2003

ADM File No. 2002-54

Adoption of Rule 2.406
of the Michigan Court Rules

**Michigan Supreme Court
Lansing, Michigan**

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, Rule 2.406 of the Michigan Court Rules is adopted, effective January 1, 2004.

[The following new language is added.]

Rule 2.406 Use of Facsimile Communication Equipment

- (A) Definition. "Facsimile communication equipment" means a machine that transmits and reproduces graphic matter (as printing or still pictures) by means of signals sent over telephone lines.
- (B) Use. Courts may permit the filing of pleadings, motions, affidavits, opinions, orders, or other documents by the use of facsimile communication equipment. Except as provided by MCR 2.002, a clerk shall not permit the filing of any document for which a filing fee is required unless the full amount of the filing fee is paid or deposited in advance with the clerk.
- (C) Paper. All filings must be on good quality 8½- by 11-inch paper, and the print must be no smaller than 12-point type. These requirements do not apply to attachments and exhibits, but parties are encouraged to reduce or enlarge such documents to 8½ by 11 inches, if practical.
- (D) Fees. In addition to fees required by statute, courts may impose fees for facsimile filings in accordance with the schedule that is established by the State Court Administrative Office for that purpose.
- (E) Number of Pages. Courts may establish a maximum number of pages that may be sent at one time.

- (F) Hours. Documents received during the regular business hours of the court will be deemed filed on that business day. Documents received after regular business hours and on weekends or designated court holidays will be deemed filed on the next business day. A document is considered filed if the transmission begins during regular business hours, as verified by the court, and the entire document is received.
- (G) Originals. Documents filed by facsimile communication equipment shall be considered original documents. The filing party shall retain the documents that were transmitted by facsimile communication equipment.
- (H) Signature. For purposes of MCR 2.114, a signature includes a signature transmitted by facsimile communication equipment.

On further order of the Court, Supreme Court Administrative Order Nos. 1990-9 and 1994-2 are rescinded, effective January 1, 2004, as are the following local court rules:

LCR 2.402 of the Fourth Judicial Circuit
LCR 2.402 of the Sixteenth Judicial Circuit
LCR 2.402 of the Nineteenth Judicial Circuit
LCR 2.402 of the Twenty-Third Judicial Circuit
LCR 2.402 of the Thirty-Seventh Judicial Circuit
LCR 2.402 of the Forty-First Judicial Circuit
LCR 2.402 of the Forty-Second Judicial Circuit
LCR 2.402 of the Forty-Eighth Judicial Circuit
LCR 2.402 of the Fiftieth Judicial Circuit
LCR 2.402 of the Fifty-Sixth Judicial Circuit
LCR 2.402 of the Isabella County Trial Court
LCR 2.402 of the 3-B Judicial District
LCR 2.402 of the Twelfth Judicial District
LCR 2.402 of the Eighteenth Judicial District
LCR 2.402 of the Forty-Eighth Judicial District
LCR 2.402 of the 54-A Judicial District
LCR 2.402 of the 54-B Judicial District
LCR 2.402 of the 56-1 Judicial District
LCR 2.402 of the Sixty-First Judicial District
LCR 2.402 of the 62-A Judicial District
LCR 2.402 of the 65-1 Judicial District
LCR 2.402 of the Seventy-Fourth Judicial District
LCR 2.402 of the Eighty-Second Judicial District
LCR 2.402 of the Eighty-Ninth Judicial District
LCR 2.402 of the Allegan County Probate Court
LCR 2.402 of the Barry County Probate Court
LCR 2.402 of the Eaton County Probate Court
LCR 2.402 of the Ingham County Probate Court
LCR 2.402 of the Kalamazoo County Probate Court
LCR 2.402 of the Menominee County Probate Court
LCR 2.402 of the Oakland County Probate Court

LCR 2.402 of the Oscoda County Probate Court
LCR 2.402 of the St. Joseph County Probate Court

Staff Comment: The September 30, 2003, adoption of MCR 2.406, effective January 1, 2004, was proposed by the Michigan Judges Association to establish a uniform practice statewide for those courts that choose to allow the filing of documents by facsimile communication equipment. Coincident with the adoption of the new court rule, all similar local court rules were rescinded, along with Supreme Court Administrative Order Nos. 1990-9 and 1994-2.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 30, 2003 Corbin R. Davis

Clerk